IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.785 OF 2006

Dawood Shoes Private Limited & anr. Petitioners
vs.
V.G.Subramaniam,
Income Tax Officer & ors. Respondents

Mr.B.V.Jhaveri for the petitioners.

Mr.S.R.Chauhan with Mr.A.N.Kotangale and Mr.A.D.Nagarjun
for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 24th March, 2006

P.C.

We heard Mr.B.V.Jhaveri, advocate for the petitioners and Mr.S.R.Chauhan, advocate for the revenue.

2. We are informed by the advocate for the revenue that subsequent to the supply of reasons by the Assessing Officer to the assessee pursuant to the notice under Section 148 of the Income Tax Act, 1961, the assessee has filed objections and the said objections are yet to be disposed of. In G.K.N.Driveshafts (India) Ltd. v. Income Tax Officer & ors., **259 ITR 19,** the Apex Court held that once the objections have been filed by the assessee pursuant to the notice under Section 148 of the Income Tax Act, 1961, the Assessing Officer has to

dispose of the objections by speaking order before proceeding with the assessment.

3. In view of the decision in the case of G.K.N.Driveshafts (India) Ltd., we are of the view that it would be proper if the Assessing Officer first disposes of the objections filed by the petitioner by speaking order before proceeding with the assessment pursuant to the notice under section 148 of the Income Tax Act.

4. We, accordingly, dispose of the writ petition by the following order:

(i) The Assessing Officer (respondent no.1) shall dispose of the objections filed by the petitioners by speaking order before proceeding with the assessment for the Assessment Year 1998-1999 pursuant to the notice under Section 148 of the Income Tax Act dated 31st March, 2005.

(ii) Until the disposal of objections and for a period of four weeks from the date of communication of the said order to the petitioner, the Assessing Officer shall not pass order of assessment pursuant to

the notice dated 31st March, 2005.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)